

PROVINCETOWN CONSERVATION COMMISSION

January 8, 2008

6:30 P.M.

Members Present: Dennis Minsky, Elaine Anderson, Lynne Martin, and David Hale.

Members Absent: Dieter Groll (excused), Brian Carlson, Health Inspector (excused).

Others Present: Ellen C. Battaglini (Recording Secretary),

PUBLIC HEARING

Co-Chair Dennis Minsky called the Public Hearing to order at 6:31 P.M.

PUBLIC STATEMENTS: None.

MINUTES: December 18, 2007 – *Dennis Minsky moved to approve the language as amended, Elaine Anderson seconded and it was so voted, 3-0.*

NEW BUSINESS:

Request for Extension of Emergency Certification

Continuance of Notice of Intent

An Emergency Certification was issued on November 29, 2007 for the property located at 157A Commercial Street. The applicant requests an extension of that Certification and a revision of a Notice of Intent that has been heard and continued by the Commission.

Presentation: Roy Okurowski appeared to present the requests. The Emergency Certification that was already granted requires the filing of a Notice of Intent and, as the applicant had already filed one, it had to be revised. Mr. Okurowski submitted revised plans to the Commission. He explained that the contractor hired to do the sand work for the Emergency Certification was not able to complete the job within the designated period of time.

Commission Discussion: The Commission briefly discussed the Extension of the Emergency Certification.

Elaine Anderson moved to grant the Extension of the Emergency Certification, Dennis Minsky seconded and it was so voted, 4-0.

Presentation: Mr. Okurowski described the proposed project to take place at the site, which includes constructing a 100 feet of drift fence, as shown on the plan, which will have an opening for wildlife. 100 cubic yards of clean sand, matching the grain size of the existing sand, will be brought in and deposited at the site, in essence rebuilding the beach grade to where it existed 5 or 6 years ago. Some of the sand brought in will be placed next to the rip-rap near the Town Landing, as Mr. Okurowski believes that the latter may be part of the cause of the current situation at the site. The fence itself will be buried almost to grade and thus will have a low profile. And the project includes re-nourishing the beach as needed, when the sand begins to naturally move away from the drift fence after a period of time. Beach grass will be planted in the spring in front of the property to try and control the erosion.

Commission Discussion: The Commission questioned Mr. Okurowski about the machinery to be used, how the beach would be accessed and what kind of vegetation would be planted on the beach. The Commission discussed inserting a maintenance clause into the Orders of Conditions.

Public Comment: Patricia Riecker, an abutter, had questions about the length and location of the drift fence, as well as what disruption there might be to the abutting property as a result of the project.

Elaine Anderson moved to approve the revised Notice of Intent as presented with the addition of the planting of bayberry, along with the beach grass, in the spring and with a re-nourishment schedule based on a yearly inspection of the sand level relative to the drift fence and the grade. If the level of the sand has eroded to its original grade, then re-nourishment of the sand would occur at the discretion of Coastal Engineering. These Orders of Condition will be for a three-year term, unless a five-year term is possible, David Hale seconded and it was so voted, 4-0.

DISCUSSION: DMF Response to local regulations on Hydraulic Dredging

The Commission discussed the issue. Dennis Minsky reported that he had contacted John Portnoy about the jurisdictional question. Mr. Portnoy said that the National Seashore has jurisdiction over anything that occurs within ¼ mile of the beach. He requests that he be involved in any future discussions with DMF. He further stated that, according to park regulations, there is no commercial fishing allowed within ¼ of the beach. Mr. Portnoy also added that the Seashore has an eelgrass study being done by Hillary Nichols, who has been doing it for many years. She had also done a study of the effect of mussel dragging on eelgrass.

Brian Carlson hasn't heard anything from Officer Enos about the case.

The Banner is interested in writing an article about this issue. Brian Carlson will contact them about the article.

The Commission discussed the possibility of asking for a resource delineation in that area. Dennis Minsky will look into that and the eelgrass study for discussion at the next hearing.

DISCUSSION: Shank Painter Pond Wildlife Sanctuary Project

The Commission would like to have the site flagged and the Commissioners would like to make a site visit, preferably with the Conservation Trust and Open Space. They would like detailed plans for the benches, the bike rack, the railing and the picnic table. They would also like to see the Robillard plan for the parking area. The Commission would like to avoid the mistakes and the miscommunication that occurred on the previous project for the site. Dennis Minsky has consulted a botanist about indigenous and appropriate plantings for the site; vegetation with high durability and low water need would be preferable. This topic will be discussed further at the next hearing.

DISCUSSION: Budget and spending plan for Land Bank funds FY2008

The Commission was able to get a \$1,250.00 grant for Nicky's Park. Mark Robinson is aware that the project is ready to begin and would like to remind the Commission to follow the management plan formulated for the Park. This topic will be discussed at the next hearing.

CORRESPONDENCE:

None.

CONSERVATION COMMISSION STATEMENTS:

Elaine Anderson reminded the Commissioners that the Massachusetts Association of Conservation Commission's workshop was the following weekend at Cape Cod Community College.

Dennis Minsky stated that there had been no public response yet to the Commission's new fee schedule that was published in The Banner.

Dennis Minsky has not talked to The Banner about the Conservation Commission ad yet.

Gordon Peabody gave a presentation to the Truro Conservation Commission and the Commission agreed that they would like him to do a similar presentation.

David Hale reported on his site visit at Bissell's and Dennis Minsky mentioned that he would like to make a site visit at 2 Commercial Street and 90 Shank Painter Road, either individually or as a group. The Commission discussed how to take a more proactive approach to canvassing the work going on or that has been done in Town, by dividing the Town into sectors and having each Commissioner be

assigned one and fill out an observation sheet on a regular basis; details to be finalized at a later date.

ADJOURNMENT: *Elaine Anderson moved to adjourn at 7:50 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2008.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2008

Dennis Minsky and Elaine Anderson, Co-Chairs